IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

Bail Appl..No. 3171 of 2007()

PETITIONER

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1. RAJESH, AGED 33 YEARS,
S/O BHASKARAN, KIZHAKKEDATH HOUSE,
THANNEERPANTHAL, VENGERI, CALICUT.

2. K.SHEEBA, AGED 28 YEARS,
D/O BHASKARAN, KIZHAKKEDATH HOUSE,
THANNEERPANTHAL, VENGERI, CALICUT.

3. SULOCHANA, AGED 53 YEARS,
W/O BHASKARAN, KIZHKKEDATH HOUSE,
THANNEERPANTHAL, VENGERI, CALICUT.

4. KODAKKADE BHASKARAN, AGED 57 YEARS,
S/O APPU, KIZHAKKEDATH HOUSE,
THANNEERPANTHAL, VENGERI, CALICUT.

BY ADV. SRI.MANJERI SUNDERRAJ
SMT.SUSAN JACOB
SRI.B.PREMNATH (E)

RESPONDENTS:

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1. STATE OF KERALA REP. BY
STATION HOUSE OFFICER, ELATHOOR POLICE STATION,
KOZHIKODE.

2. THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J

B.A.NO.3171 of 2007

Dated this the 12th day of June, 2007

ORDER

Petitioners who are the husband, sister-in-law, mother-in-law and father-in-law respectively of one Lisy who committed suicide at the age of 25 on 25.4.2007 seek anticipatory bail. Marriage between Lisy and the first petitioner was on 31.1.2005 and one child has been born in the wed lock. Lisy committed suicide by hanging in her parental home on 25.4.2007 after her mother-in-law had gone there and rebuked her. There were instances of physical torture by the first petitioner/husband as well. Petitioners 1 to 3 are accused Nos.1, 3 and 2 in Crime No.78/2007 of Elathur Police Station and the 4th petitioner who is the father in law of the deceased is not an accused. If so, the apprehension of arrest and harassment entertained by the 4th petitioner is unfounded and his request for anticipatory bail is rejected.

2. Having regard to the facts and circumstances of the case, I am inclined to grant anticipatory bail only to the second

petitioner/third accused. Accordingly a direction is given to the investigating officer to release the second petitioner/A3 on bail on her executing a bond for Rs.10,000/= (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

(a). The second petitioner/A3 shall make herself available for interrogation as and when required by the Investigating Officer.

(b). The second petitioner/A3 shall not influence or intimidate the prosecution witnesses nor shall she attempt to tamper with the evidence of the prosecution.

(c). The second petitioner/A3 shall not commit any offence while on bail.

(d). The second petitioner/A3 shall surrender before the concerned Magistrate within the above period of one month and seek regular bail.

If the second petitioner/A3 commits breach of any of the above conditions, the bail granted to her shall be liable to be cancelled.

3. In the case of the first accused/first petitioner, eventhough I

am not inclined to grant anticipatory bail to him, I am inclined to permit him to surrender before the investigating officer for interrogation and thereafter to have his application for regular bail ordered by the Magistrate concerned. Accordingly, he is directed to surrender before the investigating officer on any day between 19.6.2007 and 21.6.2007 for the purpose of interrogation and recovery of incriminating material, if any. The first petitioner shall thereafter be produced on the same day before the Magistrate who shall consider his application for regular bail preferably on the same date on which such application is filed.

4. The third petitioner who is the 2nd accused shall surrender before the Women's Police Station, Kozhikode on any day between 19.6.2007 and 21.6.2007 for the purpose of interrogation and recovery of incriminating material, if any. The 3rd petitioner shall thereafter be produced on the same day before the Magistrate who shall release her on bail on appropriate conditions.

V.RAMKUMAR, JUDGE

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